

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN H. PFUND, Jr.,

Defendant.

NO. CR23-010 RSM

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the parties' stipulated motion for entry of a discovery protective order, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the defense attorneys of record, and investigators, paralegals, law clerks, experts, and assistants for the attorneys

1 of record (hereinafter collectively referred to as members of the defense team). This
2 category of Protected Materials will be marked and labeled as “PROTECTED” by the
3 government:
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- 5 a. Grand jury transcripts and exhibits;
- 6 b. Investigative material, search warrant affidavits, and other discovery
7 materials containing information about sensitive law enforcement
8 techniques and/or details about or results of the undercover
9 investigation; and
- 10 c. Materials containing personal information about victims and
11 witnesses.
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14 2. Scope of Review of Protected Material

15 Defense attorneys of record and members of the defense team may display and
16 review the Protected Material with the defendant. The attorneys of record and members
17 of the defense team acknowledge that providing copies of the Protected Material to the
18 defendant and other persons is prohibited, and agree not to duplicate or provide copies of
19 Protected Material to the defendant and other persons.
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22 3. Consent to Terms of Protective Order for Defense Team Members

23 Who Are Not Employees
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25 Members of the defense team, including outside experts retained by the defense,
26 who are not employed directly by defense counsel shall provide written consent and
27 acknowledgement that they will each be bound by the terms and conditions of this
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1 Protective Order. The written consent need not be disclosed or produced to the United
2 States unless requested by the Assistant United States Attorney and ordered by the Court.

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4 4. Parties' Reciprocal Discovery Obligations

5 Nothing in this order should be construed as imposing any discovery obligations
6 on the government or the defendant that are different from those imposed by case law and
7 Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

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9 5. Filing of Protected Material

10 Any Protected Material or information contained therein that is filed with the
11 Court in connection with pre-trial motions, trial, sentencing, or other matter before this
12 Court, shall be filed under seal and shall remain sealed until otherwise ordered by this
13 Court. This does not entitle either party to seal their filings as a matter of course. The
14 parties are required to comply in all respects with the relevant local and federal rules of
15 criminal procedure pertaining to the sealing of court documents.

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18 6. Non-termination

19 The provisions of this Order shall not terminate at the conclusion of this
20 prosecution.

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22 7. Violation of Protective Order

23 Any violation of any term or condition of this Order by the Defendant, his
24 attorney(s) of record, or any member of the defense team may result in contempt of court,
25 and/or monetary or other sanctions as deemed appropriate by this Court.

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1 If the defendant violates any term or condition of this Order, the United States
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
3 any criminal charges relating to the Defendant's violation.

4 DATED this 7th day of February, 2023.

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7 
8 RICARDO S. MARTINEZ
United States Magistrate Judge

9 Presented by:

10 s/ Matthew P. Hampton
11 MATTHEW P. HAMPTON
12 Assistant United States Attorney

13 s/ Brad Meryhew
14 BRAD MERYHEW
15 Attorney for Defendant
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